

#3

PATENT

(Practitioner's Docket No. IN-5495)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Stephan SCHWARTE

U.S. Serial No.: 09/869,257

Group Art Unit: Not Assigned

Filed: June 26, 2001

Examiner: Not Assigned

For: POLYURETHANE AND ITS USE IN AQUEOUS PAINTING PLASTIC

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant(s) submit(s) herewith patents, publications, or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37 C.F.R. §1.56.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

- Submitted herewith is Form PTO-1449 (Modified) listing patents, publications, or other information for consideration by the Office.

COPIES PROVIDED:

- Legible copies of all items listed on Form PTO-1449 accompany this information statement, except as indicated below:
- Under 35 U.S.C. §120, this application relies on the earlier filing date of prior application Serial No. [], filed on []. The following references were submitted to and/or cited by the Office on this prior application and are therefore not required to be provided in this application:
- In accordance with 37 C.F.R. §1.98(c), a copy of only [] is being submitted with this Information Disclosure Statement, and is cumulative of the following patents or publications listed on Form PTO-1449:

FOREIGN LANGUAGE DOCUMENTS

- There are no foreign language documents listed on Form PTO-1449.

Information Disclosure Statement

Page 2

Submitted herewith is an English translation of the following foreign language patents, publications or information or of portions of those patents, publications or information considered to be material: English Abstracts for: **WO 94/22968; WO 91/13923; WO 99/50359;**

DE 432 8092; EP297 576; WO91/14514;

No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.

The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith:

4,558,090 and 4,489,135 English for EP 0 089 497 A2;

5,623,016 and 5,571,861 English for EP 0 649 865 A1;

5,075,372 English for EP 0 234 362 A1;

4,914,148 English for EP 0 228 003 A1;

4,945,128 English for EP 0 234 361 A1;

5,658,617 English for EP 0 634 431 A1;

4,880,867 English for EP 0 256 540 A2;

5,342,882 English for EP 0 581 211 A1;

4,851,460 English for EP 0 260 447 A2;

5,552,496 English for EP 0 584 818 B1;

5,691,425 English for EP 0 522 419 A1;

5,416,136 English for EP 0 536 712 A2;

5,334,420 English for EP 0 521 928 B1;

CA 2102169 English for EP 0 522 420 A2;

CA 2,073,115 English for EP 0 596 460 A2;

CA 2102170 English for EP 0 596 461 A2;

5,418,264 English for EP 0 523 610 A1;

5,569,705 English for EP 0669 356

5,512,322 English for WO 90/01041;

6,001,424 English for WO 95/14721;

6,001,915 English for WO 96/12747;

5, 512,322 and 5,370,910 English for WO90/01041 and EP 397 806;

USSN 08/564,304 and WO95/00570 English for EP 708 788

5654,391 English for EP 678 536

5,368,944 English for WO 92/15405

Information Disclosure Statement
Page 3

Submitted herewith is an English language version of a search report listing information not in the English language and indicating the degree of relevancy found by the European Patent Office, in satisfaction of the requirement (under 37 C.F.R. §1.98(a)(3)) for a concise explanation of the relevance of non-English information.

A concise explanation of the relevance of the following listed non-English language information is included as presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information as set forth below:

A concise explanation of the relevance of the following listed non-English language information is set forth in the above-identified specification at the following pages and line numbers:
"Methoden der organischen chemie", Houben-Weyl, Volum 14/2, 4th Edition, Georg Tjieme Verlag, Stuttgart, 1963, pages 61 to 70, by W. Siefken, Liebigs Annalen der Chemie, Volume 562, pages 75 to 136. @ PAGE 22, LL.11-14; B. Singh and coworkers,

CERTIFICATION:

The Information Disclosure Statement transmitted herewith is being filed **within** three (3) months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. §1.97(b). Accordingly, it is believed that no certification or fee is due.

The Information Disclosure Statement transmitted herewith is being filed **after** three (3) months of the filing date of the application or the date of entry into the national stage of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but **before** the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, whichever occurs first. Accordingly, I hereby certify that:

Each statement of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the statement; 37 C.F.R. §1.97(e)(1); **OR**

That no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge as the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **OR**

Applicant elects the option to pay the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under 37 C.F.R. §1.97(c). Please charge the **\$180.00** IDS submission fee to BASF Corporation **Deposit Account No. 23-3425**. A duplicate of this paper is enclosed.

The Information Disclosure Statement transmitted herewith is being filed **After a Final Action** under 37 C.F.R. §1.113, or **After a Notice of Allowance** under 37 C.F.R. §1.311, whichever occurs first, but **Before Payment of the Issue Fee**. Accordingly, I hereby certify that:

Each statement of information contained in the Information Disclosure Statement was

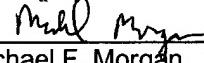
Information Disclosure Statement
Page 4

cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the statement; 37 C.F.R. §1.97(e)(1);
OR

- That no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge as the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **AND**
- Applicant hereby petitions for consideration of this Information Disclosure Statement; 37 C.F.R. §1.97(d)(2)(ii). Please charge the petition fee of \$130.00 to BASF Corporation **Deposit Account No. 23-3425**. A duplicate of this paper is enclosed.

The Commissioner is authorized to charge BASF Corporation Deposit Account No. 23-3425 for any additional fees due hereunder.

Respectfully submitted,



Michael F. Morgan, Reg No. 42,906
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26701 Telegraph Road
Southfield, Michigan 48034-2442
Tel. No.: (248) 948-2355

FORM PTO-1449 (MODIFIED)		US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Atty. Docket No. IN-5495			
LIST OF ART CITED BY APPLICANT (Use sever of sheets if necessary)				In re Application of : Stephan SCHWARTE, et al.			
				Serial No.: 09/869,257			
				Filed: June 26, 2001			
U.S. PATENT DOCUMENTS							
Examiner initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,342,882	8/30/94	Göbel et al	524	832	7/22/93
	AB	5,512,322	4/30/96	Hille et al.	427	407.1	11/4/94
	AC	6,001,915	12/14/99	Schwarze et al.	524	457	10/18/95
	AD	5,658,617	8/19/97	Göbel et al.	427	372.2	2/5/96
	AE	5,418,264	5/23/95	Obloh et al.	523	414	3/3/94
	AF	5,552,496	9/3/96	Vogt-Birnbrich et al.	525	440	2/27/95
	AG	4,851,460	7/25/89	Stranghöner et al.	523	407	8/18/87
	AH	4,558,090	12/10/85	Drexler et al.	524	591	10/2/84
	AI	4,489,135	12/18/84	Drexler et al.	428	423.1	2/18/83
	AJ	5,569,705	10/29/96	Vogt-Birnbrich et al.	524	591	2/27/95
	AK	5,691,425	11/25/97	Klein et al.	525	455	7/2/92
FOREIGN PATENT DOCUMENTS							
Examiner initial		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
	AL	43 28 092 A1	23.02.95	DE	C09D	175/04	X
	AM	0 669 356 A1	22.02.95	EP	C08G	18/83	X
	AN	0 523 610 A1	14.07.92	EP	C09D	163/00	X
	AO	0 297 576 A1	30.06.88	EP	C09D	3/72	X
	AP	0 089 497 A2	21.02.83	EP	C09D	3/72	X
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AR	English Language Abstract for WO94/22969 provided with International Publication					
	AS	English Language Abstract for DE 4328092 From the EPO					
	AT	English Language Abstract for WO99/50359 provided with International Publication					
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

*Applicant has modified this form by deleting the word "prior".

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	AA	5,571,861	11/5/96	Klein et al.	524	591	10/21/94
	AB	5,416,136	5/16/95	Konzmann et al.	523	414	4/29/94
	AC	5,334,420	8/2/94	Hartung et al.	427	407.1	2/14/91
	AD	4,489,135	12/18/84	Drexler et al.	428	423.1	2/18/83
	AE	4,945,128	7/31/90	Hille et al.	524	591	2/6/87
	AF	4,880,867	11/14/89	Gobel et al.	524	507	8/18/87
	AG	5,370,910	12/6/94	Hill et al.	427	407.1	7/24/89
	AH	6,001,424	12/14/99	Lettmann et al.	427	407.1	11/18/94
	AI	5,075,372	12/24/91	Hille et al.	524	839	2/6/87
	AJ	5,368,944	11/29/94	Hartung et al.	428	423.1	2/1/92
	AK	5,654,391	8/4/97	Göbel et al.	528	71	4/20/95
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Examiner initial		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	AL	0 394 737 A1	09.04.90	EP	C09D	175/06	X
	AM	0 590 484 A1	22.09.93	EP	C08G	18/08	X
	AN	0 634 431 A1	13.07.94	EP	C08G	18/12	X
	AO	0 708 788 B1	16.06.94	EP	C08G	18/08	X
	AP	0 581 211 A1	23.07.93	EP	C08G	18/08	X
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AR	"Methoden der organischen chemie", Houben-Weyl, Volum 14/2, 4th Edition, Georg Tjieme Verlag, Stuttgart, 1963, pages 61 to 70, by W. Siefken, Liebigs Annalen der Chemie, Volume 562, pages 75 to 136.					
	AS						
	AT	US Patent Application 08/564,304, Filed January 22, 1996, Entitled Process for the preparation of polyurethane resins and their use and the use of ethoxyethyl prepionate for the preparation of polyurethane resins, pages 1-38 for EP 0 708 788 B1					
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	AC						
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	AL	WO90/01041 /	08.02.90	EP	C08G	18/08	<input type="checkbox"/> X
	AM	-0 401 565 A1 /	16.05.90	EP	C09D	5/02	X <input type="checkbox"/>
	AN	-0 522 419 A1 /	30.06.92	EP	C08G	18/67	<input type="checkbox"/> X
	AO	0 649 865 A1 /	15.10.94	EP	C08G	18/67	<input type="checkbox"/> X
	AP	0 536 712 A2 /	07.10.92	EP	C09D	201/02	<input type="checkbox"/> X

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	AL	·0 521 928 B1 ✓	13.03.91	EP	C08F	299/06		X
	AM	·0 522 420 A2 ✓	30.06.92	EP	C08J	3/03		X
	AN	·0 260 447 A2 ✓	15.08.87	EP	C08F	283/10		X
	AO	·0 234 362 A1 ✓	06.02.87	EP	C08G	18/08		X
	AP	·0 596 461 A2 ✓	03.11.93	EP	C09D	201/00		X
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AL	0 256 540 A2	15.08.87	EP	C09D	3/49	X	
AM	0 584 818 B1	26.08.93	EP	C08G	18/08		X
AN	2073115	92.07.03	CA	C08L	075/14	X	
AO	2102169	94.05.07	CA	C09D	175/14	X	
AP	2102170	94.05.07	CA	C09D	175/14	X	

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							YES	NO
	AL	WO95/14721	01.06.95	EP	C08F	290/14		X
	AM	0 596 460 A2	03.11.93	EP	C09D	201/00		X
	AN	0 234 361 A1	06.02.87	EP	C08G	18/08		X
	AO	0 228 003 A1	11.12.86	EP	B05D	7/16		X
	AP	WO96/12747	02.05.96	EP	C08F	285/00		X

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	AL	WO97/49747 ✓	31.12.97	EP	C08G	18/75	X
	AM	WO97/49745 ✓	31.12.97	EP	C08G	18/08	X
	AN	0 354 261 A1 ✓	11.08.88	EP	C08G	18/50	X
	AO	0 424 705 A2 ✓	04.10.90	EP	C08F	283/00	X
	AP	0 299 148 A2 ✓	13.04.88	EP	C08G	18/08	X

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Examiner initial		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	AL	WO91/14514 /	03.10.91	EP	B05D	7/26	
	AM	WO91/13923 /	19.09.91	EP	C08G	18/08	X
	AN	WO92/15405 /	17.09.92	EP	B05D	5/06	X
	AO	WO94/22968	13.10.94	EP	C09D	133/06	X
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Examiner initial		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	AL	WO97/12945	10.04.97	EP	C09D	5/04	X	
	AM	WO92/17546	15.10.92	EP	C08L	75/04	X	
	AN	0 276 501 A2	26.09.87	EP	C11D	1/42	X	
	AO	0 678 536 A1	21.04.95	EP	C08G	18/08	X	
	AP	0 249 201 A2	10.06.87	EP	C09D	3/58	X	
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